

REMARKS

Claims 6-10, 16-26 and 29-67 are currently pending in this application. Claims 1-5 and 11-15 were previously canceled in response to a restriction requirement. Claims 27 and 28 are currently canceled. Claims 6, 16 and 21-26 are currently amended. Claims 29-67 are new.

Claim Rejections Under 35 U.S.C. 101

The Examiner has rejected Claims 21-27 under 35 U.S.C. 101 as directed towards non-statutory subject matter. Applicant respectfully traverses the Examiner's rejection. Nevertheless, Applicant has amended claims 21 through 26 to overcome this ground of rejection. Applicant respectfully submits that a storage medium containing instructions that cause a computing device to perform the recited method constitutes statutory subject matter. See MPEP § 2106. For similar reasons, claims 60-67 are directed to statutory subject matter.

Claim Rejections Under 35 U.S.C. 102

The Examiner has rejected Claims 6, 16, 21, and 26-28 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,370,584 issued to Bestavros et al. ( the '584 Patent). Applicant respectfully traverses the Examiner's rejections.

Independent claims 6, 16, and 21, as amended, and new independent claims 50 and 60, recite "the second packet containing a reference to a data structure of a connection with the client, the reference to the data structure being included within a single header of the second packet" (or similar language). The '584 Patent does not teach, suggest or motivate a second packet containing a reference to a data structure of a connection with the client within a single header of the second packet. Applicant notes that U.S. Patent 6,006,264, issued to Colby (and cited by an Examiner in a related U.S. Application No. 09/872,539, now abandoned, as an anticipating reference) does not teach, suggest or motivate the recited first computing device.

Claim 26 depends from claim 21. Claims 27 and 28 have been canceled. Accordingly, Applicant respectfully submits that claims 6, 16, 21 and 26, as well as new claims 29-67, are not anticipated by the '584 Patent (or by Colby).

Claim Rejections Under 35 U.S.C. 103

The Examiner has rejected Claims 7-10, 17-20, and 22-25 under 35 U.S.C. 103(a) as rendered obvious by the '584 Patent. Applicant respectfully traverses the Examiner's rejections. Claims 7-10 (as well as new claims 29-38) depend from claim 6, claims 17-20 (as well as new claims 39-49) depend from claim 16, claims 22-25 depend from claim 21, new claims 51-59 depend from claim 50, and new claims 61-67 depend from claim 60. As noted above, the '584 Patent does not teach, suggest or motivate the second packet containing a reference to a data structure of a connection with the client, the reference to the data structure being included within a single header of the second packet, as recited. Accordingly, Applicant respectfully submits that claims 7-10, 17-20, and 22-25, as well as new claims 29-38, 39-49, 51-59 and 61-67) are not rendered obvious by the '584 Patent.


The Examiner has rejected Claims 6-10 and 16-28 under 35 U.S.C. 103(a) as being unpatentable over Bestavros et al., *Distributed Packet Rewriting and its Application to Scalable Server Architectures*, Network Protocols (October 1998) ("Bestavros). Applicant respectfully traverses the Examiner's rejections. Bestavros, like the '584 Patent, does not teach, suggest or motivate the second packet containing a reference to a data structure of a connection with the client, the reference to the data structure being included within a single header of the second packet. Accordingly, Applicant submits that claims 6-10 and 16-28 (as well as new claims 29-67) are not rendered obvious over Bestavros, alone or in combination with the '584 Patent or Colby.

Therefore, for these reasons and others, claims 6-10, 16-26 and 29-67 are not anticipated or rendered obvious by the '584 Patent, by Bestavros or by Colby, or combinations thereof. In the event the Examiner disagrees or finds minor informalities, Applicant respectfully renews its request for a telephone interview to discuss the Examiner's issues and to expeditiously resolve prosecution of this application. Accompanying this Amendment is a Request for Telephone Interview in the event the Examiner does not agree that the claims are allowable over the cited references.

Application No. 09/872,332  
Reply to Office Action dated November 10, 2005

In closing, Applicant respectfully requests the Examiner to enter these amendments and to reconsider this application and its early allowance. The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,  
SEED Intellectual Property Law Group PLLC

  
\_\_\_\_\_  
Timothy L. Boller  
Registration No. 47,435

TLB:rr

Enclosures:  
Postcard  
Applicant Initiated Interview Request Form

701 Fifth Avenue, Suite 6300  
Seattle, Washington 98104-7092  
Phone: (206) 622-4900  
Fax: (206) 682-6031

715928\_1.DOC